

**ALCOHOLIC BEVERAGE LICENSE APPLICATION
PROCESS FOR NEW APPLICATIONS**

Step 1: Applicant Obtains Application Form, Instructions on The Application Process, Information on How to Apply For a State License, And a Copy of The City of Dalton's New Alcoholic Beverage Code From The Office of The City Clerk at City Hall. 300 West Waugh Street, Dalton (Georgia)

Step 2: Applicant Completes The Application Form And Has it notarized. Application Must Be In The City Clerk's Office Three Weeks Prior To The Public Safety Commission Meeting Date For Processing. Applications Received After the Three Week Time Frame Will Be Place On The Next Month Agenda of the Public Safety Commission Meeting; Subject To Meeting All Other Requirements.

Step 3: Upon Filing of The Application, The Applicant Will Submit a Payment For The Processing fee of \$200.00 to The City Clerk's Office. WE NOW ACCEPT VISA, MASTERCARD & AMERICAN EXPRESS. We Also Accept Cash, Check or Money Orders.

Step 4: Applicant Must Also Attach to The Form a Sworn Affidavit And Survey From a Registered Surveyor That The Proposed Business Location Named in The Application Conforms to the Distance Requirements From Churches, Schools, Etc. This Survey Must Be a Current Survey Completed Within Thirty (30) Days Prior to Making Application. Applicant Then Returns The Notarized Application Form And Attached Affidavit And Survey to City Hall, City Clerk's Office, Located at 300 West Waugh Street.

Step 5: Applicant Must Provide a "Certificate of Residency" (If Applying For Package Distilled Spirits) Which Can Be Obtain from the Whitfield County Probate Court Judge located at 205 North Selvidge Street, Dalton (Georgia) or A Copy of Georgia Drivers License for all Other Licenses Types.

Step 6: Applicant Must Provide a copy of "Articles of Incorporation", "Articles of Organization" and or "Certificate of Existence" from the Secretary of States Office IF Incorporated or IF Business is a Limited Liability Corporation. If Partnership, Provide a Copy of Partnership Agreement.

Step 7: Applicant Must Provide a copy of "Lease Agreement" if applicable OR a Copy of Security/Warranty Deed Showing Ownership.

Step 8: Applicant Must Provide a copy of Paid Property Tax i.e. Real and or Personal Property for the Location to be Licensed for Alcoholic Beverage. This Receipt Can Be Obtained From The Whitfield County Tax Commissioners Office.

Step 9: The City Clerk's Office Will Then Conduct an Investigation of The Owner, Applicant And Manager as Called For in The City Code. The Clerk's Office Will Notify The City Building Inspector And City Fire Marshall to Inspect The Location And Premises For Compliance With Applicable Codes.

Step 10: The City Clerk's Office Will Place The Application on The Agenda of The Public Safety Commission Meeting. The Owner, Applicant And or Manager Will Be Requested to Appear at The Meeting, And The City Clerk's Office Will Notify Them as to The Date, Time And Location of Said Meeting.

Step 11: The Public Safety Commission Will Review The Application And May Interview The Owner, Applicant, And or Manager. The Public Safety Commission Will Then Recommend Approval or Denial of The License Application to The Mayor And Council. The Entire Application Package Is Then Forwarded Back to The Office of The City Clerk.

Step 12: After Step 11, Is Completed, the City Clerk's Office Will Place the Application on the Agenda for the next Meeting of the Mayor and Council. The Clerk's Office Will Notify the Applicant to Be at the Mayor and Council Meeting.

Step 13: The Mayor and Council Will Review the Application at Their Regular Meeting and May, at Their Discretion, Interview the Owner, Applicant, And or Manager. They Will Then Either Approve or Deny the Application.

Step 14: Upon Approval of the Application by the Mayor and Council, the Applicant, as Early as the next Business Day, May Pay the License Fee to the City Clerk's Office at 300 West Waugh Street and Be Issued a License. No License Shall Be Issued Until a Clearance Letter Has Been Provided by Both Building Inspector and Fire Marshall to the City Clerk's Office. Applicant Must Obtain a valid State of Georgia Alcohol License before any beverages can be sold. Forms may be obtained at http://www.etax.dor.ga.gov/alcohol/alc_forms.aspx

Step 15: Upon Approval of the Application by the Mayor and Council the License Holder of Any Pouring Liquor License by upon the Twentieth of Each Month Pay an Excise Tax in the Amount of (3%) of Gross Receipts of All Mixed Drinks Served for Consumption on the Premises.

Step 16: Upon Approval of the Application by the Mayor and Council the License Holder of Any Alcoholic Beverage License (Except: Package Stores, Bars and Private Clubs) must Purchase an Occupational Tax Certificate for The Business Located on the Approved Premises.

NOTICE TO FOOD SALES ESTABLISHMENTS: ONLY ESTABLISHMENTS WITH FOOD SALES CAN APPLY FOR A POURING DISTILLED SPIRITS (LIQUOR) LICENSE. Businesses maintaining a fixed location for the sale and service of food and beverages to members of the general public in a dining room or premises with space to seat not less than 50 persons and serving such food and beverages from a sanitary kitchen within the premises. Such businesses shall serve food and beverages not less than three hours per day or not less than four days per week. And derives at least 50 percent of its total annual gross food and beverage sale from the sale of prepared meals or food.

NOTICE TO PACKAGE LIQUOR LICENSE APPLICANTS: Before applying for a license to sell distilled spirits with the Georgia Department of Revenue the following must be met:

(a) No application for a retail dealer license for the sale of distilled spirits shall be acted upon until after the applicant has published in the newspaper which publishes the legal advertisements of the county wherein such person proposes to engage in business a notice of his intention to secure a retail dealer license. Such notice shall be published at least once during the 30 days immediately preceding the filing of the application for a license. Such notice shall be in large boldface type and shall state:

- (1) The type of license for which application has been filed;
- (2) The exact location of the place of business for which a license is sought;
- (3) The names and addresses of each owner of the business; and
- (4) If the applicant is a corporation, the names and titles of all corporate officers.

(b) Proof of publication of the notice required by this Code section shall be attached to an application for a retail dealer license.

THE CITY CODE IS SUBJECT TO CHANGE. IT IS THE RESPONSIBILITY OF THE APPLICANT TO CONTACT THE CITY CLERK'S OFFICE FOR ANY MODIFICATIONS TO THE CODE SECTIONS CITED HEREIN.

1. Each person manufacturing or selling **distilled spirits** in the city shall pay an annual license as follows:

- Manufacturer...\$5,000.00
- Wholesaler...\$100.00
- Retailer, package only...\$5,000.00
- Pouring...\$2,000.00
- Private club, pouring only... \$2,000.00
- Temporary permit...\$100.00
- Local caterer or concessionaire...\$2,000.00
- Preferred caterer and concessionaire...\$4,000.00

2. Each person Manufacturing or selling **malt beverages** in the city shall pay an annual license fee as follows:

- Manufacturer...\$5,000.00
- Wholesaler...\$100.00
- Retailer, package only...\$750.00
- Pouring...\$750.00
- Temporary permit...\$50.00
- Local caterer or concessionaire...\$375.00
- Brew pub...\$5,000.00
- Preferred caterer and concessionaire...\$750.00

3. Each person manufacturing or selling **wine** in the city shall pay an annual license fee as follows:

- Wholesaler...\$100.00
- Retailer, package only...\$750.00
- Pouring...\$750.00
- Temporary permit...\$50.00
- Local caterer or concessionaire...\$375.00
- Preferred caterer and concessionaire...\$750.00

4. The license fee for **in-room service** shall be \$500.00

**ALCOHOLIC BEVERAGE LICENSE APPLICATION
PROCESS FOR CHANGING EXISTING LICENSES**

Same - Changes Filed

Any change in any relationship declared in this division must be filed, when made, with the Public Safety Commission and failure to do so within a period of thirty (30) days after such change is made shall be grounds for cancellation of a license granted hereunder by the Mayor and Council

There Are Six (6) Instances in Which Changes in a Business Licensed to Sell Alcoholic Beverages Require a Revised or New Application to Be Filed and Processed:

When Ownership Changes in Part or in Whole,
When the Business Moves to a New Location,
When the Business Changes its Name,
When the Applicant/Designated Agent Listed on the License Application Changes,
When a Business That Has Been Issued a License Fails to Open for Business Within Six Months after the Issuance of the License,

When, after Initially Opening for Business, the Business Ceases To Operate as Authorized by the License for a Period of Six (6) Consecutive Months, and

When, after Initially Being Approved by the Mayor and Council, The Business Fails to Purchase Their Alcoholic Beverage License For a Period of Six (6) Months.

When the Business Moves to a New Location

A New Application must Be Obtained and Filed Reflecting the Change in Location. It Is Then Processed as If it Were a New (First Time) Application with the Following Exceptions:

- A. The City Clerk's Office Will Not Re-investigate the Owner, Applicant And Manager.
- B. Only the Applicant Named on the Application Need Appear Before the Public Safety Commission and Mayor and Council.
- C. Fee Paid Shall Be Applied To New Location

See Section "Transfer of License"

When Ownership Changes

A New Application must Be Obtained and Filed Reflecting the Change in Ownership. It Is Then Processed as If it Were a New (First Time) Application with the Following Exceptions:

- A. Only the New Owner Will Be Investigated.
- B. Only the New Owner Needs to Attend the Public Safety Commission Meeting, And the Meeting of the Mayor and Council When the Revised Application Is Considered.

See Section "Transfer of License"

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When the Applicant/Designated Agent Listed on the License Changes

A New Application must Be Obtained and Filed Reflecting the Change in the Applicant. The New Application must Be Filed Within Thirty (30) Days of the Applicant Change. It Is Then Processed as If it Were a New (First Time) Application with the Following Exceptions:

- A. Only the New Applicant Will Be Investigated
- B. Only the New Applicant Need Appear Before the Public Safety Commission and the Mayor and Council.
- C. No Advertisement or Advertising Fee Is Required.
- D. No Survey Required.
- E. No New License Is Required.

Disqualified Location

The City Clerk will not accept or process an Alcohol Beverage License Application for a location that is associated with a License that is suspended, revoked or expired pursuant to §6-208. An Alcohol Beverage License Application for such Location may be accepted and processed by the City Clerk if the business at such location is sold pursuant to a bona fide sale at fair market value to a person or entity with no direct or indirect relationship to the holder, or equity owner of holder if the holder is not an individual, of the suspended, revoked or expired Alcohol Beverage License at that location. Conditions precedent to the acceptance and processing of a License at such location shall be the delivery of the following documents to the City Clerk:

- A. The New Applicant would have to provide a copy of the sales contract.
- B. Sworn Affidavit of seller, or all equity owners of seller if seller is not an individual, that (i) the sale price represents the fair market value of the Business, (ii) the affiant does not have and will not have an interest in Business of the applicant buyer, and (iii) the affiant is not a relative of the buyer or any equity owner of buyer, if applicable; and (iv) the affiant will receive no payment from the buyer other than as set forth in the sales contract.
- C. Sworn Affidavit of buyer, or all equity owners of buyer if buyer is not an individual, that (i) the sale price represents the Fair Market value of the Business, (ii) the affiant has never had an interest in Business of the seller, (iii) the Affiant is not a relative of the seller or any equity owner of seller, if applicable; and (iv) the seller, and the equity Owners of Seller, if applicable, will receive no payment from the Buyer other than as set forth in the sales contract.
- D. *Judicial remedy for violation of this chapter.* Any person who violates any part of this chapter of the Code, or knowingly and willfully makes a false statement in any affidavit shall be subject to citation and subpoena to the appropriate court, and to the judicial penalties resulting there from as provided in the Code or by general law.

When There Is A Transfer

*No license for the sale of alcoholic beverages shall be transferable, except as follows:

- a. If the licensee or designated agent/responsible person servers such persons association with a license establishment, but NO Ownership Change has transpired.
 - 1. Establishment may continue to sell for a period of 60 days from the date of such severance provided a new application is filed with the clerk within ten days of the severance
 - 2. New Application Completed & Submitted Must be Approved by the Public Safety Commission & Mayor and Council

- b. If the licensed establishment is sold to a person who at the time of the sale holds a valid license to sell alcohol at another establishment located with The City of Dalton (Temporary Period)
 1. Establishment may continue to sell with the written permission of the original license holder for a period of 60 days.
 2. Purchaser must make application on or before the date of sale and in writing on a form approved by the clerk
 3. Purchaser agrees to accept all responsibility for and arising from the license during the temporary period.
 4. New Application Completed & Submitted Must be Approved by the Public Safety Commission & Mayor and Council.
- c. If one or more of the partners of the license establishment withdraw from the partnership.
 1. Application must Be Approved by the Public Safety Commission & Mayor & Council.
 2. New Application Completed & Submitted Must be Approved by the Public Safety Commission & Mayor and Council.

*Otherwise, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued automatically, without the necessity of any hearing.

When Business Fails to Open, or Opens and Then Closes for Six (6) Consecutive Months.

When Either of These Occur, the Alcoholic Beverage License Is Forfeited, and Obtaining Another License Is Processed as Though a License Was Never Issued, Following Steps 1-14 for the Processing of New Applications.

Sanctions for Violations

A licensee shall be subject to the following sanctions for violation of the City of Dalton Alcohol Code:

(a) Judicial remedy for violation of this chapter. Any person who violates any part of this chapter of the Code, or knowingly and willfully makes a false statement in any affidavit required in section 6-104, shall be subject to citation and subpoena to the appropriate court, and to the judicial penalties resulting therefrom as provided in the Code or by general law.

(b) Nonjudicial sanctions for violation of this chapter. In addition to the penalties of suspension or revocation as set forth in this Article, a licensee shall be subject to monetary sanctions upon a finding of a violation after a hearing. For purposes of determining sanctions under this Section, a violation shall include each distinct violation of this Chapter though they are presented in a single hearing.

- (1) A licensee shall be subject to a monetary sanction of **\$1000.00** for each violation of this chapter.
- (2) The failure of a licensee to pay when due any penalty or costs assessed pursuant to the terms of this chapter of the Code shall result in the immediate suspension of all alcohol licenses issued by the city to such licensee. A suspension under this subsection shall continue until all penalties and other sums due the city by the licensee are paid in full.
- (3) A revoked license shall become null and void as of the time of revocation. A holder of a revoked license shall not be entitled to a refund of all or a part of the license fee. A holder of a revoked license may apply for a new license after the expiration of the revocation period.

DISTANCE REQUIREMENTS

Sec. 6-103. Distance From Schools, Churches, Etc.

For an alcoholic beverage license to be issued to other than a Preferred Caterer and Concessionaire, local caterer or concessionaire or temporary permit, the premises of the applicant must meet the following distance requirements:

For a license for distilled spirits, or wine or malt beverages, the premises shall not be located in or within one hundred (100) yards of an alcoholic treatment center owned and operated by the state of Georgia, Whitfield County, or the City.

For a license for distilled spirits, the premises shall not be located in or within one hundred (100) yards of any church building, housing authority property; or within two hundred (200) yards of any school building, educational building, school grounds, or college campus.

For a license for wine or malt beverages, the premises shall not be located in or within one hundred (100) yards of any school building, school grounds, or college campus. As used in this subsection (a), the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school or in colleges of the state of Georgia and which are public schools or private schools as defined in subsection (b) of O.C.G.A. § 20-2-690.

Nothing in this subsection (a) shall prohibit the licensing and the sale or distribution of alcoholic beverages for consumption on the premises only for premises located in zoning classification C-3.

No new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in the retail package sale of distilled spirits shall be located within five hundred (500) yards of any other business licensed to engage in the retail sale of distilled spirits as measured by the most direct route of travel on the ground. Its distance limitation shall not apply to any hotel otherwise licensed under State and local law, any location for which a license has been issued prior to July 1, 1997 or to the renewal of such license, and any location for which for a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the twelve (12) months immediately preceding the application.

An applicant for a new alcoholic beverage license who has acquired a previously licensed alcoholic beverage location may, within twelve (12) months after the expiration of the previous owner's license, obtain an alcoholic beverage license, limited to the type or types of license of the previous owner, for that location even though the location may not meet the distance requirements set forth in this Section. An application filed under this subsection shall meet and qualify under all other requirements of this Ordinance for the granting of a new license. Provided, however, an application filed under this subsection (c) shall not be required to provide a survey showing that distance requirements have been met.

For the purposes of subsection (a) and (b) of this section, distance shall be measured by the most direct route of pedestrian travel on the ground along the right-of-way. Distance shall be measured from the nearest building wall of any church or nearest property line of any school, public library, college campus or public recreation area to the center of any door of customer entry of the proposed premises of the applicant.

City of Dalton		
Alcohol Beverage		
Distance Requirements - Section 6-103		
Consumption on Premises Only		
No distant requirements for C-3 Zoning Classification		
Distilled Spirits	Beer	Wine
100 yards in or within an Alcohol Treatment Center	100 yards in or within an Alcohol Treatment Center	100 yards in or within an Alcohol Treatment Center
	100 yards in or within a School Building	100 yards in or within a School Building
	100 yards in or within School grounds	100 yards in or within School grounds
	100 yards in or within a College Campus	100 yards in or within a College Campus
100 yards in or within a Church Building		
100 yards in or within a Housing Authority		
200 Yards in or within a School Building		
200 Yards in or within an Educational Building		
200 Yards in or within School Grounds		
200 yards in or within a College Campus		
200 Yards in or within Interstate I-75 (package only)		200 yards in or within Interstate I-75 (package only)
New Package Distilled Spirits		
Retail Package Store or Relocation of Existing		
500 Yards in or within Any Other Retail Sale of Distilled Spirits		

CHECK LIST

WHEN THE ALCOHOLIC BEVERAGE APPLICATION IS COMPLETE THE FOLLOWING WILL BE ATTACHED

- COMPLETED APPLICATION**
- \$200.00 CHECK, MONEY ORDER OR CASH**
- SWORN AFFIDAVIT FROM A REGISTERED SURVEYOR**
- CERTIFICATE OF RESIDENCY(PACKAGE LIQUOR)/DRIVER'S LICENSE(ALL OTHER LICENSES)**
- ARTICLES OF INCORPORATION (SEE STEP 6)**
- LEASE AGREEMENT AND / OR SECURITY OR WARRANTY DEED**
- PAID PROPERTY TAX FOR REAL ESTATE AND / OR PERSONAL PROPERTY**
- AFFIDAVIT VERIFYING STATUS OF BENEFIT**